

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ISRAEL BENAVIDES,

Petitioner,

VS.

RICK THALER,

Respondent.

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CIVIL ACTION NO. C-12-39

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO GRANT RESPONDENT'S MOTION FOR SUMMARY JUDGMENT**

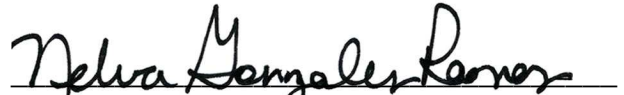
On July 18, 2012, United States Magistrate Judge Brian L. Owsley issued his "Memorandum and Recommendation to Grant Respondent's Motion for Summary Judgment" (D.E. 25). The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 25), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Respondent's Motion

for Summary Judgment (D.E. 13) is **GRANTED** and this action is **DISMISSED**. In the event that the Petitioner seeks a Certificate of Appealability, his request is **DENIED**.

ORDERED this 8th day of August, 2012.

A handwritten signature in black ink, reading "Nelva Gonzales Ramos", written over a horizontal line.

NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE